



The West End Needs a STRONGER Policy Than What is Proposed by Council

Fremantle Society submission : Local Planning Policy LPP3.21 West End Heritage Area

This submission was guided by the former WA State Architect Geoffrey Warn, former Fremantle Council Heritage Architect Agnieszka Kiera who wrote the original West End policy in the 1980s, and Fremantle Society President John Dowson.

Executive Summary

The proposed new policy is generally worded well with laudable aims, but it is less clear, and less demanding on some important conditions than the policy it replaces, and will not result in better quality or more sensitive development.

The past 10 years of mediocre and often damaging developments in the West End show that even the current policy being replaced is not specific enough and does not protect the height, scale, and character of the West End.

The vague wording in the new policy seems to encourage added storeys on top of existing ones, which should not be allowed.

The new policy could be very damaging to the West End by allowing developers too much discretion in pursuing extra height and additions that could result in rooftop clutter. The new policy requires a significant edit and strengthening, and should closely reference the Local Identity Codes, which the Council spent \$140,000 obtaining from overseas experts to guide development.

Finally, the Fremantle Society does not support a scheme amendment to remove the need for 4th storeys to be set back, as they should rarely be allowed anyway.

The policy itself:

The introduction begins by stating that the heritage values are complex and many layered, which they are. The first paragraph ends by stating that the West End has "exceptional heritage significance." It would be preferable to begin with that statement to make the value of the area immediately clear.

The third paragraph repeats the error of the State Listing document by mentioning the Gold Rush as being 1880-1910, whereas in fact it was 1890s to 1910s.

Policy Area: It is indeed unfortunate that the listed area is much smaller than the original recommended area put forward by the committee tasked with the listing process, and by the independent expert report, due to political interference by Mayor Pettitt and Cr Sullivan.

If the current area is not able to be expanded, then the line of the current boundary should be reviewed where it is, as the area should include the buildings on both sides of the current listed area boundary as well as the whole street. Inexplicably, it currently includes the whole of Phillimore Street and Little High Street, but not the others.

Statement of Significance: The statement that the area "incorporates a high number of individually listed places of heritage significance" is untrue. High Street for example only has two and Pakenham Street only one listed property. There needs to be a significant effort from Council and the Heritage Council to get more properties individually listed with the Heritage Council, with funding allocated to encourage conservation plans for individual buildings. The reason is obvious - there is actually little known about many of the properties in the West End. It is understandable that owners may be reluctant, firstly because a conservation plan might easily cost \$6,000, and may be seen as an impediment to future alterations rather than as a compliment to the value of the property.

Nowhere in the policy are the interiors of buildings mentioned, and neither is value ascribed to increasingly rare backyard open spaces and areas where stables for example may have existed. The West End policy needs to cover these areas. 20 years ago The Fremantle Society produced an Interiors Project report covering the interiors of more than a dozen West End properties and gave it to council.

Policy Objectives: The presence of Notre Dame University and the fact that they inhabit 46 buildings is completely ignored. The university is a welcome addition to the West End and a very successful and profitable business, but a monopoly by any type of use is not good for diversity and "conservation of heritage attributes." Notre Dame has created a monoculture and recently broke the MOU they have with Council that states that any future building occupancy should be outside the West End area.

This sections states: "Specific objectives.. are to ensure that.. individual places.. that contribute to the significance of the West End are recognised and conserved." But HOW will these places be recognised if no money or staff are allocated to achieve that and so few have had detailed research done on them, and there is so little interpretation obvious to passersby and so little recognition in the public art produced from the millions of dollars spent as part of the percent for art scheme? In terms of conservation, how will that happen when there is so little incentive to carry out conservation, with Fremantle Council cancelling ALL funding for their Conservation Grants Program and the Heritage Minister cancelling ALL individual grants last year for the whole State?

The policy objectives are all worthy, but specificity in how they will be implemented is needed. One way would be to incorporate the Local Identity codes, or at least the most relevant sections, which were prepared at a cost of \$140,000 for the very purpose of guiding development in the West End.

1. Urban Structure:

The Urban Structure element should protect the linearity of the streets, and vistas down the various streets.

Elements such as trees, plantings, pop ups, public art, and street furniture need to be dealt with as the current standards are low. Trees are not historically appropriate in the West End and in some areas obscure major facades, especially in summer.



Trees in Phillimore Street, historically not part of the West End, here almost totally obscure the heritage listed buildings in summer. Dividing the West End into precincts may not be very helpful unless it results in further protection rather than more flexibility for developers. As it is the current area of the West End is smaller than it should be and its relationship with the port is not well articulated. The port and the West End go together like members of the same family and the future quality of the West End is partly contingent on what happens on Victoria Quay. That is why the Fremantle Society spent 8 years successfully campaigning to get a conservation plan for Victoria Quay to hopefully protect it and thus the immediately adjacent West End.



"Pop Ups" like this unattractive structure with dead plants, and disrespectful public art on the right have no place in a high quality heritage environment. Note the recent modern grey rooftop additions which further reduce the authenticity of the streetscape.



Important details: historic slabs should be kept and maintained. Blobs of concrete as added in the street here and covered in graffiti undermine the traditional linearity of the historic streets.

The policy should protect the remaining 600 x 600mm concrete slabs, made in Fremantle Prison. The slabs were ubiquitous throughout Fremantle but have gradually been replaced by dreary concrete or a mixture of unappealing bricks. The slabs are not as interesting as original flagstaff blocks seen at the front of St John's Church or outside the Commissariat, but they are the perfect size for a human stride, traditional in appearance, cheap, and with an interesting connection to Fremantle Prison. The area of slabs remaining in the West End is under threat because it is not being maintained and is not clearly listed in policies, despite an agreement reached circa 2005 when raised by Cr Dowson and council officers agreed to retain existing slabs. Seemingly small details of this kind are actually quite important as they do accumulate to a distinctive public realm, and as in the case of the paving slabs, have an interesting origin and story, which is the type of information that people enjoy discovering. Tourism, local and international, is important to Fremantle.

In describing High Street, the policy makes no mention of the residential elements of many upper floors where for example the Bank of New South Wales manager on the corner of High and Mouat Streets had a full height full floor to himself for a large residence replete with marble fireplaces, shopkeepers sometimes lived above their shops, or rear elements and even rooftops where caretakers used to live. This is a disappointing oversight that should be corrected.

2. Land Mix Use and Density

The monoculture caused by Notre Dame University is not acknowledged, nor the failure of Council to spread the University more widely throughout the town rather than occupying more buildings near the current 46 buildings concentrated together in the West End.

The statements about the desirability of residential uses is ironic given the high council rates paid to live in the inner city, and the refusal of council to fund the inner city residents' association.

3. Massing and Height

This section begins with an inaccurate statement that the built form in the West End is "generally simple" when it is not. The former Government Architect Geoffrey Warn states: **This is not a very accurate or helpful description of the built form. The attention to some corners is an excellent device for identity and wayfinding, the rectangular full block developments are skilfully detailed at an individual building level, and also demonstrate an understanding and respect for the articulation of adjoining buildings, et cetera, which amasses into a distinctive architectural language.**

This is far from "simple"

Comments on height omit the requirement for any proposed 4th storey to be set back. Given that the policy emphasises that the West End is predominantly 2 storeys, any 4th storey is in most locations an anomaly and it should not be allowed if it can be seen from the street.

Protecting the height of the West End is critical because it is a harmonious low rise area. In the long term, if futurists like Richard Weller in his book *Boomtown*, which proposes 170,000 people living in high rise towers in North Fremantle is correct, the small West End area gets to become incredibly more precious as the years go by.

3.2.2 "Upper storey additions should be designed to read as part of a coherent whole" is alarming because there should be no upper storey addition that can be seen from the streets, as they diminish the "exceptional significance" of the heritage listing and the integrity of the existing building.

3.2.5 "Variations to height". There should be no variations to height that are visible from the streets adjacent.

4. Roofscape, Views and Skyline:

The protection of streetscapes, roofscapes and skylines should not just include views from nearby streets but also vantage points like Arthur Head which is not mentioned, and other key sites within the West End. It is not just the facades of buildings which are important - there are many utilitarian traditional elements behind facades which help make up the historic character of listed properties.

5. Facades:

Element objectives here are alarming as they suggest approval for additions on top of heritage buildings. There have been some disastrous ones such as the addition to the Navy Club in High Street during the America's Cup. **There should be no additions to heritage properties that are visible from adjacent streets.**

6. Building Types:

The development objectives are motherhood statements that will not protect the West End from poor quality and oversized new development.

Council should do an assessment of approvals over the past 10 years in the West End because they have in general been a succession of mediocre or disastrous approvals. Council must learn from its mistakes because it is not currently protecting the West End or enhancing it. There are many examples both large and small and council from now on should clearly indicate that the mistakes from the past are not to be taken as precedents for the future.

The emphasis on reinstating verandahs and original traditional shopfronts is laudable, but what incentives are council offering to achieve those expensive outcomes?

Developers rarely want their building to "fit in" and often seek to have approval for something that dominates its neighbour. The most glaring example of that is opposite the majestic Fort Knox wool stores recently renovated as apartments, where the LIV apartment block has been allowed to dominate what was accepted as the "Giant" of Fremantle, the Fort Knox woolstore.

The worst example in the West End is the 5 storey Quest apartment hotel development by Sirona in Pakenham Street which urban designer Dr Lutton described as "technically illegal" (see over).

(Please see appendix p7 for further examples of poor quality outcomes in an important heritage town)

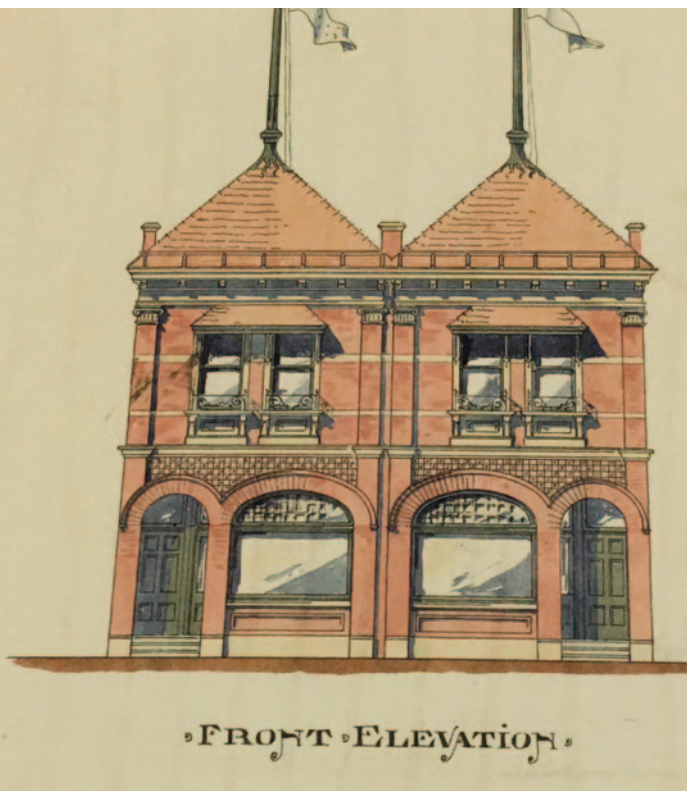


On the left, a two storey heritage building was 90% destroyed to allow a “technically illegal” 5 storey Quest Hotel development with unsightly rooftop clutter, for Council’s development partners Sirona. Meanwhile the beautiful 2 storey Terminus Hotel alongside is neglected, run down, and seemingly little used by the government agency which owns it.

7. Details and Materials

Suggestions here are laudable, but once again there are no incentives to carry them out. For example 7.2.6 states: "Removal of acrylic paint from original face brickwork is strongly encouraged." Faced with the cost of \$30,000 to remove paint as against say \$10,000 to paint a facade again, what incentive is there for a property owner to remove the paint? The former Customs Building on Phillimore Street looks splendid now that paint has been removed from the face brickwork, but that project cost over \$400,000.

It is not only brickwork from which plastic paint should be removed - there are limestone buildings like the Fremantle Hotel and 1 Mouat Street owned by the university which look diminished because the limestone is heavily covered in paint.



Encouragement of accurate restoration should be backed up by grants to help owners. This Cliff Street building is unusual in that it had a tile roof and not the tin it has now. It is also missing its flags and flagpoles, banding, and ironwork on the windows.



Fremantle is world famous as a rare port city gold boom survivor, but it is a small fragile area needing protective, clear, strong policies that are well funded and implemented. The four examples on this page are just some of dozens unsuccessfully brought to the attention of Fremantle Council. Top left is an intrusive and mediocre public art installation in High Street Mall which blocks views to the Town Hall; top right is a council owned building with metal bracing visible from street level which should have been hidden; bottom left is a rooftop addition damaging to the historic streetscape at nighttime as well as daytime, and bottom right is the highly significant Bairs Building painted in an inappropriate colour, shopfronts ruined, and the name of the building removed.



Appendix One : Further Examples of Council failure to protect heritage values in Fremantle.

Appendix Two: Agnieszka Kiera's Individual Submission

photos by John Dowson, except page one (courtesy Heritage Council).

This report has been a collaborative effort between former Government Architect Geoffrey Warn (2013-2020), director of [with architecture studio](#), former Fremantle Council heritage architect Agnieszka Kiera, who formulated the original West End Policy, and John Dowson, President of the Fremantle Society, author of four books on Fremantle and former Chairman of Council's Heritage Committee and West End Committee.

Appendix Two: Agnieszka Kiera's individual comments:

- generally speaking, this is a well-worded policy outlining the objectives and principles already universally accepted and published using reputable sources such as the Burra Charter and CABE. The best part of the draft policy is the outline of its philosophical approach and the set of objectives and principles. However, the explanatory examples diagrams included at its end, attempting to explain and guide the practical application of the policy's general provisions are grossly inadequate. So as a whole the draft policy is rather an ineffective combination and is unlikely to act as an improvement on the existing, outdated policy DGF14 as a planning tool. In this respect the draft policy is not a real improvement on the existing, equally generic policy and cannot effectively work as an aid to the planning scheme provision i.e. an important planning tool to guide conservation and compatible development in the West End;
- For the planning policy to be useful as an improvement on what the City already has in place i.e. DGF14 FREMANTLE WEST END CONSERVATION AREA POLICY adopted in the 1980s, it should be more concise, direct and area/places specific. Despite the fact that the existing policy is outdated and its provisions too generic, it is more specific in the crucial issues. For example, it specifies the compatible height of new development to max three storeys at the street level and while the scheme permits only one additional, fourth storey, the policy requires it to be set back. On the other hand, the current draft policy is vague on the issue of compatible height. For example, what does it mean: "new development, at all scales, minimises conflict with heritage values and contributes to the West End's identity by complementing the streetscapes and buildings with a recognisable consistency and long-term perspective"??? or "the proposal is consistent with the predominant height patterns of adjoining properties and the locality generally" or "it would not be detrimental to the amenity ... etc"? Firstly these specific provisions negatively and unnecessarily introduce the concept of 'conflict' between the old and new. Secondly its appropriateness or otherwise depends entirely on the discretion of both, owners and developers as well as the decision-makers, who both rarely have adequate knowledge, training, skills or talents to interpret such generic provisions in a professional way and in accordance with the objective criteria to measure the desired compatibility.
- The success or otherwise of the planning policy depends on its clarity and the specificity of its provisions in relation to the area/place it applies to. The policy provisions should be either written as the specific, contextual and clear guide or, if it is limited only to the generic statement of objectives and principles, it should include the equally clearly explained procedures what and how to apply the specific measures in order to ensure that any new development proposals comply. Or better still, it should be accompanied by a practical design manual explaining how these generic principles are to be applied to the specific development proposals as well as the West End in general. The desired clarity of planning provisions is largely dependent on the degree of applicability. A good procedure requires that each development case is dealt with by its specific circumstances. The criteria applied to assess it, need to be relevant to its specific circumstances. The vague and/or generic provisions are open to misinterpretation. In addition to the universally accepted principles and the specific design guide, the policy provisions should also represent the local tradition.
- the draft policy includes a number of incorrect or even contradictory statements and omissions, marked by my specific comments in the body of the draft policy. For example, it de-

scribes the West End as the traditional city centre and recommends it is developed as a vibrant part of the city centre. At the same time, it omits to identify Notre Dame University as the 1/3 owner and occupier of the West End. While the area is essential to the students, interesting to the visitors and essential to a relatively small group of residents, it is largely irrelevant to the community as a viable part of the city centre. As a result of this omission, the draft policy fails to address reality as an important strategic issue that needs to be dealt with in a constructive way. As a result, the draft policy reads more as the wishful thinking than a practical and helpful planning tool. Such definitions as the 'diversity of uses' and 'comfortable place to live, work and visit' are at best only partially relevant, and at the worst, misleading;

- the draft policy identifies the Design Advisory Committee as an appropriate authority to interpret and apply its provisions to assessing development proposals and advise the decision making authority if it complies or otherwise. Yet it is a well-known fact that unless an advisory committee is correctly resourced and independent of its 'employer', it can be ineffective or even precarious as an adjudicator. As the recent experience of WA demonstrates the membership of Design Advisory Committee is more likely to include the mix of politically correct representatives of bureaucratic or political bodies and officials, instead of the renowned experts in the field of urban architecture, heritage conservation and compatible development with a proven record of achievements in these fields. As a result the committee tends to be primarily a political body in service of the relevant authority, who set it up instead of the expert advisor. When combined with the too generic policy provisions, the committee's interpretation and advice vary greatly from application to application and its membership. The advice is instead provided in accordance with the individual views, tastes, and political affiliation of its members instead of the policy objectives. This often incites uncertainty and erratic judgments rather than expert advice. For example, the most incompatible, non-complying glass 'cap' on top of the Atwell Arcade and the heritage-listed building, doesn't comply with the current policy provisions. Yet the developer was able to successfully argue that it does, even citing the Burra Charter as his guide to come up with the proposal. In this respect, the draft conservation policy is not an improvement on the current one. Instead, it is even more vague and generic thus likely to fail instead of being applied successfully as a planning instrument and regulatory tool to ensure that the policy objectives are achieved;

- the current policy includes Arthur Head and part of both, the Esplanade and Victoria Quay, in its provisions thus it is more relevant and protective of the historic core of Fremantle, including its relevance to recommended uses, functional relationships, views, and vistas. On the other hand, the draft policy's defined six, character precincts, are based solely on the architectural character of the commercial part of the former historic port town. This is a significant failure of both, limitation of the conservation area's boundaries, defined only by the historic style of architecture, and renders the draft policy less effective in fulfilling its objectives of protecting the area's function, ensuring the claimed range and vibrancy of the desirable uses, or even protection of the views and vistas beyond its boundaries. In addition, the policy fails to even identify all of the significant views that need to be protected. For example the ephemeral yet significant vistas from all the side streets towards Victoria Quay, which are an essential aspect of the area's significance, worthy of protection and enhancement. So the draft policy is bound to fail in achieving its objectives as an effective planning tool of protecting views unless it is accompanied by the relevant, area-specific control measures. Like preventing the out of scale development, that potentially can block the side streets' views with large scale development on the eastern side of Phillimore street;

- For this policy to work, it needs to be associated with the relevant, area-specific design guide interpreting its generic provisions with the design guide on how these should be applied on the ground. The few diagrams and photos at the end of the draft policy are inadequate. Say, the classical proportions diagram. The diagram might be understood by an appropriately skilled architect, but few owners or their designers, not mentioning an average developer and/or the political decision-makers, would fully appreciate, let alone know how to apply and use as a criterion, it to

an application proposal. It is more likely that the few examples at the end of the draft policy would act as, say, prerecorded messages of Telstra or the 'questions and answers' link of an internet provider. The automated generic referrals are, generally speaking, useless as a specific guide or an answer to the specific issue that one needs. The suggested design manual is essential to aid this policy. It can be written from the scratch thus reinventing the wheel. At the same time, the Council already has its own well researched and area-specific policy guide for central Fremantle, the Local Identity and Design Code (LI&DC), adopted by the Council in the late 2000s as a 'community resource'.

The Identity Code is based on an in-depth survey and study of what makes Fremantle, Fremantle. The unique, significant and relatively intact 19th-century colonial port city. The LI&DC not only provides the accurate survey of the West End's architectural styles, but it also identifies and records its urban architecture i.e. the original urban design plan, the street layout, the landmark sites, gaps between buildings, views and vistas, the unique features and the architectural details. Area by area, the street by street. The subsequently prepared Design Code flows from the Identity Code and also offers the area/site-specific, street by street, site by site, guide to compatible development. The important aspect of it is that the Design Code is as objective as possible, ensuring that any new development contributes to the overall harmony and balance between the old and new. Equally important is the fact that the Design Code identifies the 'margin' of variation within which owners, their architects, designers and developers, can explore their individual objectives, creativity, and desire to individual expression while at the same time matching the existing quality and character of the area. The community also could use LI&DC to help them identify what it is they like about the city. Thus the committed community members can become much more informed and constructive in providing comments on new development.

So it is therefore disappointing to note that this draft policy completely ignores the Council's own document that would make it a more effective planning tool leaving its current generic provisions wide open to all sorts of politically and commercially motivated interpretations by both, potential developers and the approval authorities. This is likely to perpetuate inefficiencies of the current policy, create uncertainty, and be potentially open to abuse.

The, to date, rare successful urban design achievement by the City, its own Old Port Project on Arthur Head Reserve, provides a model of the successful application of both, the existing Conservation Policy DGF14 and the LI&DC. So it is a rare achievement of not only successfully conserving the heritage significance of the site but also reviving the Old Port and the whole reserve as a successful public space. The LI&DC was used by the architect, Donaldson and Warn, as a guide to design the tangible and historically relevant urban relationship of the reserve to the city. While this is not a place to explain it in detail, it is important to acknowledge that the Code guidelines gave the creative architect a tool - the site-specific tool, that the draft policy lacks. And it also provides proof that both, the existing conservation policy combined with the Design Guide, works. And although visitors to the area are not aware of this, they feel the urban harmony of the precinct and respond to it with much-improved patronage, emotional attachment, and affection.

In summary, the draft policy, although well worded with the universally accepted objectives and principles alone, is likely to be an ineffective planning tool to guide conservation and compatible redevelopment of the West End and not an improvement on the current, outdated policy. Mainly because despite the universally accepted objectives and the right principles, the draft policy's too generic, fragmented, and non-precinct specific provisions render themselves open to wide interpretation and, potentially abuse. In particular, it fails to demonstrate how its principles should be applied to the West End despite the attempt to provide limited examples and diagrams at the end of it.

The policy has also significant omissions and includes several conflicting provisions. I suggest that what needs to be done to make this draft policy more relevant and effective includes, to start with:

- a substantial edit. Possibly as a set of objectives and principles only, choosing the ones that are relevant and specific to the West End, and deletion of the few, generic examples and diagrams at the end;
-
- for the Council to adopt the Local Identity & Design Code as the design manual to the policy. The manual that would translate its generic provisions into the site-specific contextual set of guidelines on how to apply these provisions to the specific development proposals. Only then the combined policy and LI&DC together could be used effectively as a planning control tool to guide/assess planning applications in accordance with the policy objectives. In addition, the LI&DC could serve as a community resource to explain, educate and guide the community, the owners, developers, their architects, and all the decision-makers on how to protect, conserve and re-develop the West End in a compatible and sustainable way, well into the future.
- Alternatively and at the very least, the draft policy's objectives and generic provisions should refer to the corresponding specific guidelines in the Local Identity & Design Code replacing its fragmented and largely irrelevant examples.

document submitted by:

John Dowson
President
The Fremantle Society
0409223622
7 September, 2020

john.dowson@yahoo.com

